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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et al.*, individually and  
on behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF DONALD SETH  
FORTENBERY IN SUPPORT OF  
GOOGLE LLC'S ADMINISTRATIVE  
MOTION TO SEAL PORTIONS OF  
GOOGLE'S OPPOSITION TO  
PLAINTIFFS' MOTION TO STRIKE  
NON-RETAINED EXPERT  
DECLARATIONS**

Judge: Hon. Yvonne Gonzalez Rogers

Case No. 4:20-cv-03664-YGR-SVK

1 I, Donald Seth Fortenbery, declare as follows:

2 1. I am a member of the bar of the State of Kentucky and an attorney for Quinn Emanuel  
3 Urquhart & Sullivan, LLP, which serves as Google's outside counsel in this litigation. I have been  
4 admitted pro hac vice in this matter. Dkt. 547. I make this declaration of my own personal, firsthand  
5 knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

6 2. Pursuant to Civil Local Rule 79-5, I submit this declaration in support of Google  
7 LLC's Administrative Motion to Seal Portions of Google's Opposition to Plaintiffs' Motion to  
8 Strike Non-Retained Expert Declarations for Whom Google Provided No Expert Report ("Google's  
9 Opposition"). In making this request, Google has carefully considered the relevant legal standard  
10 and policy considerations outlined in Civil Local Rule 79-5. Google makes this request with the  
11 good faith belief that the information sought to be sealed consists of Google's confidential and  
12 proprietary information and that public disclosure could cause competitive harm.

13 3. The information requested to be sealed contains Google's confidential and  
14 proprietary information regarding highly sensitive features of Google's internal systems and  
15 operations, including details regarding Google's internal projects, data sources, and their proprietary  
16 functionalities, that Google maintains as confidential in the ordinary course of its business and is  
17 not generally known to the public or Google's competitors.

18 4. Such confidential and proprietary information reveals Google's internal strategies,  
19 system designs, and business practices for operating and maintaining many of its important services,  
20 and falls within the protected scope of the Protective Order entered in this action. *See* Dkt. 81 at 2-  
21 3.

22 5. Public disclosure of such confidential and proprietary information could affect  
23 Google's competitive standing as competitors may alter their data logging system designs and  
24 practices relating to competing products. It may also place Google at an increased risk of cyber  
25 security threats, as third parties may seek to use the information to compromise Google's data  
26 logging infrastructure.

27 6. I have reviewed the documents that Plaintiffs seek to file under seal pursuant to Civil  
28 Local Rule 79-5(f). Based on my review, there is good cause to seal the following information:

Document(s) to be Sealed	Basis for Sealing
<p>Google's Opposition to Plaintiffs' Motion to Strike Non-Retained Expert Declarations for Whom Google Provided No Expert Report at:</p> <p>12:12-14, 13:26-27</p>	<p>The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including details concerning internal projects and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>
<p>Exhibit 3 Schapiro Declaration (Excerpts of 6/16/2021 G. Berntson Deposition) at:</p> <p>4:12, 4:18, 4:21, 121:9-11, 121:13-21, 122:10-24, 123:1-4, 123:10-11, 123:13-14, 123:16, 123:18, 123:20, 124:1, 124:3, 124:9-12, 124:23, 125:6-7, 125:10, 125:18, 390:1-2, 390:15, 390:20 395:24, 396:14</p>	<p>The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including details concerning internal projects, data sources and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. <i>See</i> Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>

7. Google's request is narrowly tailored in order to protect its confidential information. These redactions are limited in scope and volume. Because the proposed redactions are narrowly tailored and limited to portions containing Google's highly-confidential or confidential information,

1 Google requests that the portions of the aforementioned documents be redacted from any public  
2 version of those documents.

3 8. Google does not seek to redact or file under seal any of the remaining portions of  
4 documents not indicated in the table above.

5 9. For these reasons, Google respectfully requests that the Court order Google's  
6 Opposition to be filed under seal.

7  
8 I declare under penalty of perjury of the laws of the United States that the foregoing is true  
9 and correct. Executed in Hoboken, New Jersey on September 14, 2022.

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12 By /s/ Donald Seth Fortenbery  
13 Donald Seth Fortenbery  
14 Attorney for Defendant  
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